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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GIBBS introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Revoking EPA’s Ty-
3 rannical Ruling Over Approved Commercial Tasks Involv-
4 ing no Violations of Environmental Policy Act” or the
5 “RETROACTIVE Policy Act”.

6 **SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.**

7 (a) IN GENERAL.—Section 404(c) of the Federal
8 Water Pollution Control Act (33 U.S.C. 1344(c)) is
9 amended—

10 (1) by striking “(c)” and inserting “(c)(1)”;

11 (2) in paragraph (1), as so designated, by in-
12 serting “during the period described in paragraph
13 (2) and” before “after notice and opportunity for
14 public hearings”; and

15 (3) by adding at the end the following:

16 “(2)(A) The period during which the Adminis-
17 trator may prohibit the specification (including the
18 withdrawal of specification) of any defined area as
19 a disposal site, or deny or restrict the use of any de-
20 fined area for specification (including the withdrawal
21 of specification) as a disposal site, under paragraph
22 (1) shall—

23 “(i) begin on the date that the Secretary
24 provides notice to the Administrator that the
25 Secretary has completed all procedures for
26 processing an application for a permit under

1 this section relating to the specification and is
2 ready to determine, in accordance with the
3 record and applicable regulations, whether the
4 permit should be issued; and

5 “(ii) end on the date that the Secretary
6 issues the permit.

7 “(B) The Secretary shall ensure that the period
8 described in subparagraph (A) consists of not fewer
9 than 30 consecutive days.

10 “(C) The Secretary may issue a permit under
11 this section only after the Secretary provides notice
12 to the Administrator in accordance with this para-
13 graph.”.

14 (b) APPLICABILITY.—The amendments made by sub-
15 section (a) shall apply to a permit application submitted
16 under section 404(a) of the Federal Water Pollution Con-
17 trol Act (33 U.S.C. 1344(a)) after the date of enactment
18 of this Act.